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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------|
| 10/523,949 | 10/19/2005 | Ian James Prismaill | ARD121USA | 9420 |
| 24339 | 7590 | 08/28/2007 | | |
| JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016 | | | EXAMINER MACARTHUR, VICTOR L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3679 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/28/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/523,949 | Applicant(s) PRISMALL, IAN JAMES | |
| | Examiner Victor MacArthur | Art Unit 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/3/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “queue management system” (claims 13 and 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. If some element of the drawings is meant to be the queue management system then it should be clearly identified in the specification by reference character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullenberg (U.S. Patent 5,639,176).

Claim 1. Mullenberg discloses (fig.1) a method of securing a tube (21) to another component (18), the method comprising providing the said another component with an opening . (opening within 18), passage or recess having a region of generally tapering form (tapered inner region of 18), introducing the tube into the opening, passage or recess, positioning a clamping member (11) within the tube, and securing (securing with 5) the clamping member to the said another component to clamp the tube between the clamping member and the said another component.

Claim 2. Mullenberg discloses a method according to claim 1, wherein the clamping member is also of generally tapering form (tapered outer form of 11).

Claim 3. Mullenberg discloses a method according to claim 1, wherein the tube is of a ductile material (i.e., metal as designated by cross-hatching).

Claim 5. Mullenberg discloses a method according to claim 1, wherein the tube is shaped to include an end region (left end of 21) of tapering form prior to the introduction of the tube into the opening, passage or recess.

Claim 6. Mullenberg discloses a method according to claim 1, wherein the action of introducing deforms (col.1, ll.54-60) part of the tube to conform generally, with the tapering shape of the opening, passage or recess.

Claim 8. Mullenberg discloses (fig.1) a post arrangement comprising a tube (21), an end of which extends into an opening (opening within 18), passage or recess provided in a base (18), the opening, passage or recess being of generally tapering form (tapered form of opening within 18), a clamping member (11) being located at least partly within the tube, the clamping member being secured to the base to clamp the tube between the clamping member and the base.

Claim 10. Mullenberg discloses a post arrangement according to claim 8, wherein the clamping member is of generally tapering form (tapered form of 11).

Claim 11. Mullenberg discloses a post arrangement according to claim 10, wherein the shape of the clamping member, conforms generally with the shape of the interior of the part of the tube which is located within the opening, passage or recess provided in the base.

Claim 12. Mullenberg discloses a post arrangement according to claim 8, wherein the clamping member is arranged to be secured to the base by means of a screw-threaded coupling (via. 5 and 24).

Claim 13. Mullenberg discloses a post arrangement according to claim 8, wherein the post is arranged to carry (but does not necessarily carry) part of a queue management system. Note that the post is arranged within element 1 such that it is capable of structurally carrying any number of management systems including queue management systems. Note that the term "queue" is taken to mean arranged in a line in accordance with Merriam-Webster's Collegiate Dictionary Tenth Edition.

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Claim 14. Mullenberg discloses (fig.1) a post arrangement comprising a tube (21), an end of which extends into an opening (opening within 18), passage or recess provided in a housing (18) forming part of a queue management system (line of elements shown in fig.1), the opening, passage or recess being of generally tapering form, a clamping member (11) being located within the tube, the clamping member being secured to the housing to clamp the tube between the clamping member and the housing. Note that the term "queue" is taken to mean arranged in a line in accordance with Merriam-Webster's Collegiate Dictionary Tenth Edition.

Claim 15. Mullenberg discloses a connection arrangement comprising a first component (21) of tubular form, a second component (18) having an opening (tapered opening in 18), passage or recess of tapering form formed therein, and a clamping member (11), a part of the first component being located within the opening, passage or recess of the second component, the clamping member being located at least partly within the first component and secured (via 5) to the second component to clamp the first component between the second component and the clamping member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullenberg (U.S. Patent 5,639,176).

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Claim 4. Mullenberg discloses a method according to claim 1, wherein the tube is of a metal material (rather than a plastics material as claimed). One of ordinary skill in the art would expect plastic to be preferable over metal for the purpose of reducing weight since plastic is lighter than metal. It has generally been recognized that selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Furthermore, the applicant has failed to demonstrate criticality by any showing of unexpected result derived from a plastic material over a metal material. Wherein a specific limitation has no criticality, case law can be relied upon as the sole rationale in an obviousness rejection. See MPEP 2144.04. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Mullenberg invention to use plastic rather than metal for the benefit of reducing weight, and further since the limitation has no criticality and has thus been established by the case law cited above to be an obvious design consideration within the skill of the art. “[T]he results of ordinary innovation are not the subject of exclusive rights under the patent laws. Were it otherwise patents might stifle, rather than promote, the progress of useful arts. See U.S. Const., Art. I, section 8, cl.8.” In re KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007).

Claim 7. Mullenberg discloses a method according to claim 1, wherein the other component is provided with a screw-threaded passage (24) extending from the lower surface thereof, a screw-threaded bolt (5) being used to secure the clamping member to the said another component, the screw-threaded bolt extending through an opening (25) formed in the said clamping member and into the screw-threaded passage. Mullenberg does not expressly state that the position of the screw-threaded passage and opening should be reversed. However, the

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reversal of components in a prior art reference is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Furthermore, the applicant has failed to demonstrate criticality by any showing of unexpected result derived from any specific hole/passage location. To the contrary, the applicant's disclosure implies that the hole/passage location is not critical (see applicant's figures 2 and 3 which show reversal of hole/passage location). Wherein a specific limitation has no criticality, case law can be relied upon as the sole rationale in an obviousness rejection. See MPEP 2144.04. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to reverse the Mullenberg hole/passage location since the limitation has no criticality and has thus been established by the case law cited above to be an obvious design consideration within the skill of the art. "[T]he results of ordinary innovation are not the subject of exclusive rights under the patent laws. Were it otherwise patents might stifle, rather than promote, the progress of useful arts. See U.S. Const., Art. I, section 8, cl.8." In re KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007).

Claim 9. Mullenberg discloses a method according to claim 8, wherein the tube is of a metal material (rather than a plastics material as claimed). One of ordinary skill in the art would expect plastic to be preferable over metal for the purpose of reducing weight. It has generally been recognized that selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Furthermore, the applicant has failed to demonstrate criticality by any showing of unexpected result derived from a plastic material over a metal material. Wherein a specific limitation has no criticality, case law can be relied upon as the sole rationale in an obviousness

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rejection. See MPEP 2144.04. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Mullenberg invention to use plastic rather than metal for the benefit of reducing weight, and further since the limitation has no criticality and has thus been established by the case law cited above to be an obvious design consideration within the skill of the art. "[T]he results of ordinary innovation are not the subject of exclusive rights under the patent laws. Were it otherwise patents might stifle, rather than promote, the progress of useful arts. See U.S. Const., Art. I, section 8, cl.8." In re KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to connection arrangements:

Horni U.S. Patent 1,805,095

Bibb U.S. Patent 3,127,020

Patton U.S. Patent 4,130,965

Pokrandt U.S. Patent 4,186,570

Voigt U.S. Patent 5,566,926

Altman U.S. Patent 6,969,211

Krugger US 2002/0159829

Green US 2003/0111657


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

August 23, 2007


Victor L. MacArthur
Patent Examiner
Art Unit 3679